

**Pleasant Grove City  
City Council Regular Meeting Minutes  
May 31, 2016  
6:00 p.m.**

**PRESENT:**

Mayor: Michael W. Daniels

Council Members: Dianna Andersen  
Eric Jensen  
Cyd LeMone  
Ben Stanley  
Lynn Walker

Staff Present: Scott Darrington, City Administrator  
Denise Roy, Finance Director  
Deon Giles, Parks and Recreation Director  
Mike Smith, Police Chief  
Kathy Kresser, City Recorder  
Ken Young, Community Development Director  
Marty Beaumont, Public Works Director  
Sheri Britsch, Library and Arts Director  
Tina Petersen, City Attorney  
Dave Thomas, Fire Chief  
David Larson, Assistant to the City Administrator

Others: Ken Bullock, ULCT Executive Director

The City Council and Staff met in the City Council Chambers at 86 East 100 South, Pleasant Grove, Utah.

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**1) CALL TO ORDER**

Mayor Daniels called the meeting to order and noted that all Council Members were present.

**2) PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by Jennifer Baptista.

**3) OPENING REMARKS**

The opening remarks were given by Guy Fugal.

**4) APPROVAL OF MEETING'S AGENDA**

City Administrator, Scott Darrington, noted that several items have been moved to the June 21 meeting and are noted accordingly. The RDA meeting will be pushed to June 7. Administrator Darrington also noted that there needs to be an Executive Session for land issues.

**ACTION:** Council Member LeMone moved to approve the agenda with the aforementioned changes and adding a Closed Meeting to discuss the sale of real property. Council Member Jensen seconded the motion. The motion passed with the unanimous consent of the Council.

**5) OPEN SESSION**

Mayor Daniels opened the open session. There were no public comments. The open session was closed.

**6) CONSENT ITEMS**

**a) City Council Meeting Minutes:**

**City Council Minutes for the May 3, 2016 Meeting**

**City Council Minutes for the May 31, 2106 meeting**

**City Council Work Session Minutes for the May 10, 2016 Meeting**

**b) To consider approval of Partial Payment No. 2 for the FY 2014-2015 Culinary Water Improvements Project for Ekker Construction, Inc.**

**c) To consider approval of payment vouchers for (May 23, 2016).**

**ACTION:** Council Member Jensen moved to approve the consent items. Council Member Andersen seconded the motion. The motion passed with the unanimous consent of the Council.

**7) BOARD, COMMISSION, COMMITTEE APPOINTMENTS**

*There were no appointments.*

**8) PRESENTATIONS**

**A) STRAWBERRY DAYS ROYALTY PRESENTATION.**

Miss Pleasant Grove, Allison Lawrence, introduced herself, along with her four attendants: Jessica Matheson, Sam Taylor, Abbie Hall and Brooke Bishop. Miss Lawrence stated that they have also presented before the City Councils in Orem, Spanish Fork, and Springville. They each took turns reviewing the events of this year's Strawberry Days. Afterwards, this year's Strawberry Days Rodeo Queen, Sadie Waller, and her two attendants, Sarah Lady and McKell Wall, introduced themselves and spoke about this year's Strawberry Days Rodeo. Council Member LeMone thanked the Strawberry Days Royalty for the example they set for young women in the community.

**B) UTAH LEAGUE OF CITIES AND TOWNS PRESENTATION. PRESENTER:  
KEN BULLOCK.**

Ken Bullock, Executive Director of the Utah League of Cities and Towns (ULCT), stated that he had taken time before the meeting to drive around the City and observe some of the parks etc., he commended the Parks Director and his department for their hard work. He commented that they bring a lot of joy to the community. He addressed the benefits of participating in ULCT, and noted that the group represents a lot of diversity. Each city's needs differ based on location, size and demographics, and ULCT has available resources to meet those needs. They have exceptionally qualified staff to assist with land use planning and associated legal issues. ULCT employs a specialist who is able to bridge the gap between cities and the State Legislature.

ULCT has a program called the Land Use Academy of Utah, or LUAU. The group works with the President of the Utah State Senate, who trains officials and stand and Planning Commission throughout Utah. ULCT also has a voluntary benchmarking group that comprises 30 to 40 communities, and collaborates with Brigham Young University and the University of Utah. The group analyzes financial revenues and expenditures, how communities operate, and finding best practices. The group was started by Mr. Bullock's former colleague, Neal Abercrombie, who works with BYU and the University of Utah in data collection. Mr. Bullock stated that the data collected by the benchmarking group is typically not public, as it is primarily for cities to use as a management tool.

Mr. Bullock addressed increased issues with public fraud and stated that in the next Legislative Session there will be legislation pertaining to municipal money management. The ULCT works closely with the State Auditor and participates in lobbying efforts to represent their cities on Capitol Hill.

Mayor Daniels commented that the ULCT supported Proposition 1, whereas Utah County and other neighboring counties voted against it. He asked Mr. Bullock if they have learned anything through this process and what they plan to do to approach the issue differently. Mr. Bullock explained that collectively, there were 17 counties that passed Proposition 1. There have been issues with Utah Transit Authority's (UTA) service in Utah County for many years and he acknowledged that UTA needs to make a lot of changes. Mr. Bullock explained that ULCT is willing to do whatever its membership tells them to do. He commented that he has been very vocal about how they interact with local communities, which placed strain on a close friendship he has with Speaker Greg Hughes. Mr. Bullock feels that ULCT has communicated to UTA that they have obligations to local government in terms of level of service and revenue generation. He felt that the way to resolve the differences was for cities to approach UTA and make a collaborative effort, rather than waiting for UTA to come forward with solutions. There was discussion regarding the position taken by Representative Greene, in proposing another piece of legislation to reflect dissatisfaction of funding mass transit with the gas tax increase of Proposition 1. Mr. Bullock stated that ULCT was not visibly opposed or supportive of Representative Greene's bill, but rather was willing to see the bill run its course.

Council Member Andersen stated that the City is begging for help with their roads. They have 120 miles of roads, 44 of which are failing. As a whole, she wants to be mindful of all entities.

However, she noted that they only have one bus route through the City. She asked that Pleasant Grove's scenario be kept in mind on the legislative level. Mr. Bullock explained that addressing roads in the midst of challenges with public transit is an ongoing issue. It is challenging to communicate to the public that public transit needs to be part of the discussion. He explained that employees and employers have a different view of the world, which is reflected around Thanksgiving Point, in particular. Some people want to bike or walk, while others may want to ride mass transit or who prefer to drive. All modes of transportation are interconnected and need to be viewed that way.

Mr. Bullock expressed appreciation for the assistance of Administrator Darrington and City Attorney, Tina Petersen, who both have expertise on land use issues. Mr. Bullock spoke about ULCT's biannual conferences in April and September, as well as road school classes they offer. He addressed a new program between ULCT and the Police Chief Association and explained that they have been working with Chief Ross in Bountiful on an executive committee. Over the last few years there have been negative stories in the media about public safety personnel. In response to this negativity, they have put together a new radio program called "*Making Life Better Behind the Badge*". It's important for citizens to know about the sacrifices that officers make on behalf of the community. The program is funded entirely by Mrs. Gail Miller and operates in collaboration with KSL. It is a statewide program for all cities, counties, and highway patrol personnel. The program airs on Monday morning at 6:55 a.m. and is re-broadcast about 18 to 19 times on a rotating basis throughout the week. Mr. Bullock encouraged Police Chief, Mike Smith, to participate in the program.

Council Member LeMone asked Mr. Bullock to break down what the City's annual fee is for participating in the ULCT and how it benefits the City. Mr. Bullock indicated that the purpose of tonight's presentation was to highlight the benefits. He reiterated that Attorney Petersen and Administrator Darrington work with ULCT on land use issues to ensure that their voice is heard. He also mentioned a monetary benefit where the City will receive an additional \$175,000 per year as a result of lobbying efforts. Other benefits include collegiality and educational opportunities. Council Member LeMone asked if cities that do not pay annual fees receive the same benefits. Mr. Bullock answered in the affirmative and noted that in the last 27 years there have been very few cities that have not participated. In those cases, they returned back to the League after a year of non-participation.

There was brief discussion on House Bill (HB) 215, which was an alternative option submitted by Representative Greene for implementing a local option sales and use tax for highways and public transit. Council Member Stanley stated that he spoke with colleagues in various cities who indicated that they were rethinking their investments in UTA and ULCT. Mayor Daniels stated that he attended the most recent Legislative Session and spoke in favor of Representative Greene's bill. This, however, is only one piece of legislation where the majority of the participants chose to go in a certain direction. There was discussion on whether this was a matter of neutrality or controversy on the part of ULCT. Council Member Stanley remarked that the Council should have a discussion on whether the \$18,000 they pay annually to ULCT could be better invested elsewhere. Mr. Bullock replied that that was a fair discussion. However, he felt that ULCT has more than returned on the City's investment on the gas tax alone. There has been no one who has

been more vigilant for communities as it relates to UTA and transportation funding than ULCT. He then provided an overview of the gas tax proposal and how it was developed.

Mayor Daniels agreed that it is a worthwhile discussion for the City to have as to whether to continue investing in ULCT. However, he pointed out that if they walk away from the table they also walk away from influence. Mr. Bullock noted that there are a number of opportunities throughout the year where cities are able to express their views on an issue. He stated that he is more than willing to listen to criticism and asks for an opportunity to fix things. He noted that some things he cannot fix because they are out of his control.

Council Member Stanley stated that he would like invitations to speak to the Legislative Policy Committee more frequently. Some Council Members have a lot of interest and familiarity with the House and Senate bills and would like an opportunity to be heard and articulate their point of view. Mr. Bullock stated that the Legislature has confidential files and some bills are not heard until in the middle of the session. This puts the ULCT on a limited timeline for giving an appropriate response. He explained that it would be helpful if Representative Greene kept Pleasant Grove in the loop on what is happening behind closed doors.

Council Member Andersen was grateful for the training the ULCT provides. She explained that there is a learning curve with becoming an elected official. They are sworn into office in January and adopt a budget by June. She stated that the experience is unlike anything else, regardless of one's background. Mr. Bullock explained that Pleasant Grove has an excellent staff and that ULCT seeks to supplement that expertise. Council Member Jensen remarked that the LUAU site is growing and is very well done. Mr. Bullock elaborated on the efforts of certain individuals who make that particular program such a huge success. Last, he announced the dates of the upcoming ULCT Conference, which will be September 14 to 16. Everything for the conference will be paperless. Mr. Bullock reviewed the conference itinerary.

## **9) PUBLIC HEARING ITEMS**

- A) PUBLIC HEARING TO CONSIDER FOR ADOPTION AN ORDINANCE (2016-11) TO AMEND CITY CODE SECTION 10-11H, RURAL COMMERCIAL OVERLAY (RCO), EXPANDING THE PERMITTED USES AND APPLICABLE ZONES. (NORTH FIELDS NEIGHBORHOOD) (PAGE WESTOVER, APPLICANT) PRESENTER: DIRECTOR YOUNG \*NOTE: THIS ITEM WILL BE CONTINUED TO THE JUNE 21, 2016 MEETING.**
- B) PUBLIC HEARING TO CONSIDER FOR ADOPTION AN ORDINANCE (2016-12) TO APPLY THE RURAL COMMERCIAL OVERLAY (RCO) TO APPROXIMATELY 3.5 ACRES LOCATED AT 504 WEST 1100 NORTH. (NORTH FIELDS NEIGHBORHOOD) PRESENTER: DIRECTOR YOUNG \*NOTE: THIS ITEM WILL BE CONTINUED TO THE JUNE 21, 2016 MEETING.**
- C) PUBLIC HEARING TO CONSIDER FOR ADOPTION AN ORDINANCE (2016-13) AMENDING CITY CODE SECTION 10-14-20, "URBAN DESIGN STANDARDS", MODIFYING THE DESIGN REQUIREMENTS FOR DEVELOPMENTS IN THE**

**GROVE ZONE CHAPTER OF THE PLEASANT GROVE CITY CODE.  
PRESENTER: DIRECTOR YOUNG \*NOTE: THIS ITEM WILL BE CONTINUED  
TO THE JUNE 21, 2016 MEETING.**

**D) PUBLIC HEARING TO RECEIVE COMMENTS ON THE PROPOSED  
PLEASANT GROVE CITY FISCAL YEAR 2015/2016 BUDGET AMENDMENT.  
(CITY WIDE) A Copy of the Proposed Budget is Available at the Recorder's Office,  
70 South 100 East; the Library, 30 East Center; and Community Development, 86  
East 100 South.**

Administrator Darrington reviewed line items in the General Fund. He explained that there were increased wages for Engineering Services in the amount of \$66,150, which came as a result of changes in the Engineering Department. While the changes have additional short term costs, in long run they will save the City thousands of dollars.

Administrator Darrington reviewed the additional line items. Mayor Daniels interjected that individual line items were reviewed in a previous meeting. He explained that the Council would like to ask specific questions of staff regarding certain items that were approved. Furthermore, the Council would like to discuss reviewing the budget quarterly instead of bi-annually. He noted that there are certain items the Council does not remember approving and why certain purchases were made prior to Council approval.

Administrator Darrington explained that the practice has been to review budget amendments every six months. Essentially, when issues come up, staff brings them to the Council and they authorize staff to act. The budget is not necessarily amended right away, especially if there is a deadline with the expense. In those cases, the budget is amended later, even though prior approval was given from the Council. Administrator Darrington suggested that a few ways to improve would be to review amendments quarterly so that they don't get too far ahead in making expenditures prior to the actual amendments formally being made. Mayor Daniels asked if when taking an administrative approach on certain expenditures, whether the Council had a chance to weigh in on that approach. Administrator Darrington replied that it depends on the issue.

With regard to trails, Administrator Darrington explained that when the project was discussed, staff planned on applying for a grant from Utah County to fund the hiring of a contractor to mark the trails with the remaining funds to be used for engineering expenses. In order to complete the trail, the County indicated that they would need a site plan and an engineering study, so that they could approve the plans prior to construction taking place on their property. Pleasant Grove went through the engineering process, and some of the budget amendments account for that process. This was done at the direction of the Council who granted their approval prior to staff moving forward. Once the engineering portion was complete, the project was put out to bid. They received a bid of \$380,000, and staff worked to make the project fit within an allotted budget of \$250,000. Administrator Darrington explained that the \$250,000 covers capital costs and does not account for the engineering portion. Staff knows they can do the project for significantly less than \$380,000. The budget amendment up for review is to approve building the trails. Administrator Darrington noted that other than the pre-engineering work for site plans, no other funds have been spent at this point.

Mayor Daniels asked if those funds were explicitly approved by the Council prior to their expenditure. Administrator Darrington stated that he believes they were approved in either September or October when the site plan was approved. Mayor Daniels stated that individual Council Members are concerned with the City possibly putting the cart before the horse by funding expenditures and approving those expenditures. He asked Administrator Darrington if this is happening, to which Administrator Darrington answered in the affirmative. He explained that this may be the case in some instances. Administrator Darrington reviewed the history of the discussion with the Mayor and Council but could not pinpoint specific meeting dates where approvals for the trail project were granted. Mayor Daniels asked him to research the matter and stated that making expenditures prior to receiving approval is a practice that needs to stop. Administrator Darrington agreed.

Council Member Stanley also agreed with Mayor Daniels and explained that he does not recall the date the expenditures were approved. He reiterated that they need to do things in the right order and expressed that he would be willing to review amendments as often as necessary. Mayor Daniels commented that he does not want this discussion to reflect poorly on the value of the project being discussed itself and is simply a discussion of process.

Council Member Stanley stated that he has heard comments from many people regarding a lack of clarity in terms of who is in charge of the trail project. Administrator Darrington explained that it is a City project; therefore, decisions have been made by City Administration. There are, however, a lot of private individuals who have invested significant time and effort into the project as well. These voluntary efforts will drive down the overall price, as opposed to hiring professionals throughout the course of the project.

Mayor Daniels referenced the Discovery Park project, which was driven by volunteers and the private sector. Volunteers did the leg work, followed through with maintenance, and two years later the ownership and responsibility of the project, as well as an endowment fund was turned over to the City. The project was completed in a timely manner according to what was initially proposed. Mayor Daniels was not sure if this project will be the same. From his perspective, it appeared that proposals were made but at some point there was a transition in responsibility and ownership of the project from its scope. Essentially, it transitioned from a private project to a public project.

Council Member Stanley echoed Mayor Daniels's remarks. Administrator Darrington stated that once the City applied for the grant, it became the City's project. From his perspective, this has never been a private project. The City is required to do all of the work and sign the necessary agreements. He doubted whether a private individual would have gotten this far. He felt that the administration followed the correct procedures and hoped they did not get before the Council on the matter.

Parks and Recreation Director, Deon Giles, explained that the project began around 2011 when the Trails and Recreation Master Plan was completed. He mentioned that the Pedestrian and Bike Plan included a bike park. At the public meetings several citizens supported the idea of a bike park. Multiple opinions were expressed and staff felt more comfortable building a multi-use trail system instead of a bike park. Director Giles did not recall at any point this not being a City project

and has been involved since the beginning. He stated that this project is totally different than the Discovery Park project. Some citizens have been involved and proven to be very valuable. He could recall statements made in previous meetings about this being a City project.

Council Member Stanley asked at what point the City was aware of what the costs would be. Director Giles explained that the project has changed a great deal since the initial proposal; therefore, the costs have also changed. The City's Engineering Department estimated that the project would cost approximately \$250,000, at which point they began to evaluate potential funding sources. Council Member LeMone stated that the process has been discussed and they are now trying to move forward. She commented that she would be surprised if people step up to volunteer for these types of projects again, given how they have been treated. Mayor Daniels disagreed and identified a group of volunteers who have stepped up to help raise funds for a splash pad that will ultimately be turned over to the City after it is completed.

Council Member Stanley asked about funds allocated for the 4000 North sewer and stated that he could not recollect when the expenses were authorized. Administrator Darrington stated that the Council authorized staff to bid the project out. The associated cost was \$40,000.

Mayor Daniels opened the public hearing.

Lori Williams gave her address as 175 South 1300 East and referenced the engineering expenses from J-U-B Engineers. She also inquired about an additional \$14,000 in the same category. Administrator Darrington explained that the City paid a contractor to mark the trails. The Council had given direction to mark where trails would go as part of grant from Utah County. Ms. Williams asked how much has been spent to this point. Staff responded that \$55,000 has been spent on engineering and \$14,000 for the contractor.

Jason Cowley gave his address as 582 East 780 North and stated that this has never been a private project. He explained that he came with a proposal to the City, for a City project. The Council Chambers and hallways were packed with high school students and families expressing support for the project. He reported that he has spent approximately 1,700 man hours on this project thus far.

Mr. Cowley stated that while he cannot speak to whether the Council approved engineering expenses, he knows that the Dirt Dojo contractor came forward to the Council last summer and was approved. The Dirt Dojo is a professional trail builder who has run a professional trail building school for some of the most prominent organizations in the nation. They were approved by the Council to see if trails would work in this area and to design and flag them for the City. Afterwards, it was determined that they wanted some studies and a full site plan done. During a Planning Commission Meeting it was brought up that the citizens were concerned that the project was driven by Mr. Cowley and they wanted clarity that it was indeed a City project. It was made very clear by Director Giles at that time that this was a City project.

Mr. Cowley stated that he has been clear with the City that he will not be involved with the funding of the project, nor will he be involved in signing contracts. However, outside of those things, he was willing to provide assistance.



Blaine Thatcher gave his address as 120 North 1400 East and expressed concern with the process being followed in the City. It appeared to him that the City is spending a significant amount of money before a project is fully approved by Council. Mr. Thatcher was not speaking to the worthiness of any particular project. He commented that the bike trail was presented as a no cost project to the City and at this point they have already expended far more than the total numbers projected to be spent. His recollection was that the Council has not approved this expenditure. Mr. Thatcher also made reference to the 4000 North sewer and stated that the Council has a responsibility to follow due process.

Greg Warburton gave his address as 453 South 700 West and explained that he was part of the project when the idea was first conceived. Mr. Warburton stated that the volunteers have put thousands of man hours into the project because this is what they love and it is their dream. He expressed that the naysayers have slowed the process down and he argued that investing \$40,000 into engineering to do the project right was well-justified. The proposed trail will be used for many years to come and maintenance will be fairly inexpensive if done properly the first time.

Brian Fruit reported that he visited with one of the Lindon Council Members and they are excited about this project as well. They are considering getting on board because it appears that they may also own property in the foothills. Mr. Fruit stated that he works all over the world and there is a solid culture in cities where there is a nice trail system for bikers and pedestrians. He worked on a similar type of trail in Germany that was very successful. He thought this was also a great project and that there is a lot of foresight on the City's part to put in this type of infrastructure for residents. The trail will be used because there is a lot of demand for it.

Paul Eckert gave his address as 884 East 1250 North and asked how much the project will cost. Administrator Darrington reviewed the costs presented earlier in the discussion. Mr. Eckert explained that his backyard fence abuts the trail, which has been detrimental to his property due to children climbing over his fence and leaving debris. Increased traffic from the trail will significantly impact his property negatively. Council Member LeMone asked Mr. Eckert if he has had out of pocket expenses to this point. Mr. Eckert explained that his fence is already halfway torn down and asked if it would be possible to make a change to the layout of the trail system so that his property will be less impacted.

Council Member Stanley acknowledged the concerns expressed. Attorney Petersen interjected that the current discussion has gone off on a tangent. She clarified that the agenda item pertains to approving the budget amendment, not about moving and/or approving the trail. The trail site plan was already approved by way of a public hearing. If the Council would like to readdress the issue, it needs to be brought back as a different agenda item and noticed appropriately to allow all affected entities to appear and comment.

Christopher Williams gave his address as 845 North 100 East and explained that he is neither for nor against the bike trail. He asked if the \$250,000 is for the first phase of the bike trail or for the entire bike trail. Director Giles explained that it is only for Phase 1; however, currently there are only plans for Phase 1. Phase 2 has been proposed, but there has not been any planning done on it.

Brad Condor gave his address as 1141 East Mahogany Lane and explained that he lives near the Grove Creek trailhead and will be directly impacted by trail traffic. When he heard about the project, he sent a letter to the Council expressing concern. Mr. Condor stated that he has been involved with this for over one year and has learned more about the approval process. Over time, he has changed his opinion and is now a volunteer donating his time for the project. He wants the Council to approve the expenditure so that it can forward, despite the traffic near his home. Overall, he saw the benefit the trail will be to the community.

John Stevens gave his address as 380 North 600 East and voiced support for the budget amendment. He stated that people have come together on the project and he feels the expenditure will be the right use of public money. By building the trail they will be helping to increase economic development in the City because when people are done biking, they will be hungry and thirsty, and will want to shop and dine in Pleasant Grove. The trail will bring increased revenue, which means the City will have more money for other needs such as roads. Mr. Stevens stated that it would irresponsible not to approve the trail, especially with all of the forethought that has gone into the project. As a business owner, he knows that from time to time it is necessary to spend money in order to avoid wasting money. Last, Mr. Stevens stated that in the County and State, Pleasant Grove is lauded as a very well run City. He publicly thanked the City's staff who often do not get the praise that they deserve.

Blaine Thatcher commented that the Council should take note that this was proposed as a zero-cost project to the City, and it has since ballooned to over \$250,000. He explained that this is not what was proposed and that the funds should be expended in a responsible manner.

Director Giles explained that when the City began the process, they looked at the opportunity of doing the project with volunteers. Through the site plan process, they were able to determine the project amount to contract it out. At that time they completed the contract bid, which came in over budget. As a result, it was rejected. They pulled back and looked to see it through in a timely manner within budget. The solution was to have Dirt Dojo come in and help construct the trail. Director Giles thought the City could complete the project under budget. The following Saturday a trail cleanup project was planned and the City would continue to follow through on grants. They recently received \$20,000 to purchase tools, supplies, and gates through Utah County. The intent was to apply for same grant next year.

Attorney Petersen reviewed the minutes from December 15, 2015, which noted that the recommendation from the Planning Commission to the City Council was for a site plan approval. Included was a recommendation for the Council to authorize the expenditure of funds for the engineering services for the trail.

Council Member LeMone stated that they initially thought that the cost for Phase 1 would be approximately \$37,000 and would be completely volunteer-driven. The project was to be paid for by the City. At no time was it indicated that this would be a zero-cost project to the City. However, Council Member LeMone clarified that it will not be an out-of-pocket cost to the taxpayer. Rather, the project will be paid for with park impact fees, grants, and private donations. The park impact fees have an expiration date and have to be used on a project of this nature. The community supported the project in a public meeting and this was what was decided upon. Based on citizen

response, additional engineering studies were requested as well as more research to ensure that the trails would be safe and efficiently built. Therefore, the City decided to change the scope of the project from something that would be completely driven by volunteers to something that would be professionally built, thereby increasing costs. Annual maintenance will be paid for using park impact fees, volunteers, donations, and grants.

Mr. Thatcher asked if the Council knew that this project would end up costing \$250,000 when they decided to move forward. Council Members Andersen and LeMone indicated that they always knew that there would be costs involved. Council Member Stanley made reference to some City Council minutes from April of last year, which generated further deliberation on the matter.

Mr. Cowley stated that the lower estimate of \$37,000 came from his proposal and this was the number he could determine based on the justifications he had for the project. Mr. Cowley echoed previous comments regarding park impact fees and noted that they can only be used on these types of projects and have an expiration date. He argued that this is an ideal project for those types of funds and that there are literally hundreds of people in the community who support the project.

Dani Rowen gave her address as 462 East 420 South and reviewed funding sources. She clarified that any needed additional funds will come from the same sources. Both Mayor Daniels and Council Member LeMone answered in the affirmative. Ms. Rowen agreed that this is a good use of park impact fees and noted that she is a member of the Parks Commission. She felt like there are people who are simply trying to hold up the project. She stressed the importance of making the project as transparent as possible.

Mr. Williams did not mind if the project is paid for with park impact fees but was concerned that a group of citizens expressed a desire for more ball fields. He asked how much will be left in park impact fees for ball fields. Administrator Darrington estimated that there will be about \$150,000 left over, as well as additional fees that will continue to be collected. Mr. Williams asked staff if they have any idea when the ball fields will be built. Mayor Daniels replied that while this is a good question, he felt it should be discussed another night.

Mr. Eckert closed by stating that the trail project will significantly impact the lives of citizens.

There were no further public comments. Mayor Daniels closed the public hearing.

Mayor Daniels remarked that this has been a valuable discussion. He expressed additional concerns with project expenditures and asked why the issue has come forward as a budget amendment rather than as a separate discussion. Administrator Darrington stated that the City has gone through the site plan approval process and throughout the process the Council has worked with staff to make decisions that point toward funding the project. Mayor Daniels asked the Council if they had approved a budget of \$250,000 prior to tonight. Council Member LeMone replied that they have not, which was the purpose of the budget amendment.

Council Member Stanley stated that with regard to economic development, the City has no idea about how much the trail will be used until it is built. There is no way to quantify the number of users, cost of maintenance, and economic impact. Administrator Darrington acknowledged that

they have not conducted a study to determine the economic impact and commented that as a City they should not depend on economic development as the primary reason for building the trail. In response to a question from Council Member Stanley, Administrator Darrington noted that the trail will be 7.5 miles long. Council Member Stanley stated that now is the time to discuss whether this is the best use of park impact fees.

Mayor Daniels asked why there have not been separate meetings to discuss the issues. Council Member LeMone stated that there have been multiple meetings over the course of several years regarding the use of park impact fees. Council Member Stanley argued that it is very important to discuss this matter since the budget has changed dramatically.

Council Member Andersen asked Director Giles if the City has sufficient funds in park impact fees to complete the project. Director Giles answered in the affirmative.

Mayor Daniels commented that he would like a couple of things to happen in the future. First, he would like to review budget amendments quarterly. Second, large dollar amounts should be discussed and approved in separate discussions prior to their expenditure. Public input would be allowed as necessary.

Council Member Andersen asked if this is the same process that Public Works Director, Marty Beaumont, would go through to fund a road project. Mayor Daniels explained that with regard to road projects, there have been very detailed, scientific explanations of every road that will be included in the three-year plan. The plan also specifies where the money will come from, how the State gas tax will be factored in, and whether they can afford to do everything at once. Council Member Andersen wanted to know if they are micro-managing Director Giles's project, but not Director Beaumont's. Administrator Darrington commented that it is clear to staff that the Council's intent is to move forward.

#### **10) ACTION ITEMS READY FOR VOTE**

- A) TO CONSIDER FOR ADOPTION A RESOLUTION (2016-021) ADOPTING THE AMENDED 2015/2016 BUDGET; AND PROVIDING FOR AN EFFECTIVE DATE.  
*PRESENTER: DIRECTOR ROY.***

Mayor Daniels called for a motion for the budget amendment.

**ACTION:** Council Member LeMone moved to approve the proposed Pleasant Grove City Fiscal Year 2015/2016 Budget Amendment. Council Member Jensen seconded the motion. A voice vote was taken with Council Members LeMone, Jensen, Andersen and Walker voting "Aye", and Council Member Stanley voting "Nay", noting that his concerns pertained to the process. The motion passed 4-to-1.

- B) TO CONSIDER FOR APPROVAL A COMMERCIAL SUBDIVISION CALLED THE VOID LOCATED AT APPROXIMATELY 1740 WEST 700 SOUTH IN THE GROVE ZONE, COMMERCIAL SALES SUB-DISTRICT. (SAM WHITE'S LANE**

**NEIGHBORHOOD) PRESENTER: DIRECTOR YOUNG \*NOTE: THIS ITEM WILL BE CONTINUED TO THE JUNE 21, 2016 MEETING.**

**C) TO CONSIDER SITE PLAN APPROVAL FOR THE VOID ENTERTAINMENT CENTER LOCATED AT APPROXIMATELY 1740 WEST 700 SOUTH IN THE GROVE ZONE, COMMERCIAL SALES SUB-DISTRICT. (SAM WHITE'S LANE NEIGHBORHOOD) PRESENTER: DIRECTOR YOUNG \*NOTE: THIS ITEM WILL BE CONTINUED TO THE JUNE 21, 2016 MEETING.**

**D) CONTINUED ITEM: TO CONSIDER FOR ADOPTION A RESOLUTION (2016-020) AUTHORIZING THE MAYOR TO SIGN A CONTRACT FOR INDEPENDENT CONTRACTORS WITH CHARLES "JAKE" CARSTEN AS THE PROJECT MANAGER TO ASSIST IN THE CONSTRUCTION OF THE MULTI-USE TRAIL. PRESENTER: ADMINISTRATOR DARRINGTON \*NOTE: CONTINUED FROM THE MAY 17, 2016 MEETING.**

Administrator Darrington introduced Jake Carsten, who owns and operates a business called the Dirt Dojo. Mr. Carsten will be the Project Manager of the trails project and will oversee the majority of its construction. When the City received the \$380,000 bid, they reviewed different alternatives proposed by a group of volunteers. One solution was to hire Mr. Carsten who will oversee 10 seasonal workers in building the trail. The contract with Mr. Carsten is for \$42,463.64, with work taking place from June 2 to September 2. They will be paying for nine weeks of work in a 12-week period as he will also be taking personal time off during that time.

**ACTION:** Council Member LeMone moved to adopt a Resolution (2016-020) authorizing the Mayor to sign a Contract for Independent Contractors with Charles "Jake" Carsten as the Project Manager to assist in the construction of the multi-use trail. Council Member Walker seconded the motion. A voice vote was taken with Council Members LeMone, Walker, Andersen and Jensen voting "Aye", and Council Member Stanley voting "Nay". The motion passed 4-to-1.

**E) TO CONSIDER FOR ADOPTION AN ORDINANCE (2016-14) AMENDING TITLE 7 CHAPTER 2 "PARKS AND PUBLIC PROPERTIES" OF THE PLEASANT GROVE CITY MUNICIPAL CODE BY CHANGING THE TITLE TO "PARKS, TRAILS AND RECREATIONAL FACILITIES"; ADDING A "DEFINITIONS" SECTION; ADDING REGULATIONS REGARDING SMOKING TO CONFORM WITH STATE AND COUNTY REGULATIONS; REGULATING VARIOUS ACTIVITIES IN PARKS/TRAILS AND RECREATION ACTIVITIES; PROVIDING FOR ENFORCEMENT FOR SAID REGULATIONS; MAKING OTHER TECHNICAL CHANGES AND PROVIDING FOR AN EFFECTIVE DATE. Presenter: Director Giles.**

Director Giles presented the proposed revisions and distributed a copy of the ordinance for Council review. The County came in a few years earlier and wanted the City to indicate that smoking was not allowed in City parks and open spaces. Since then, staff has evaluated other needs, including fireworks. In conducting research, they looked at examples from other codes. The majority of

modifications are in the wording, which better exemplify what the City is trying to accomplish. There were several modifications. Director Giles chose to highlight the following:

- Purpose:

*“The purpose of this chapter is to further develop parks, trails, and recreational facilities for the welfare and enjoyment of residents, and to ensure the orderly and suitable use of such facilities, thus furthering the safety, health, comfort, and welfare of all persons in the use thereof”.*

- Section 7-2-2: Authority:

*“The parks & recreation director may propose the establishment of certain parks, trails, and recreational facilities which shall, upon the advice and consent of the city council, be created as the city council deems fit. The director may, through the allocation of city funds or by exacting from developers of large tracts of land or subdivisions certain real property, establish such parks, trails, and recreational facilities together with such improvements thereon as the director with the advice and consent of the city council deems advisable”.*

- Changes pertaining to e-cigarettes, discharge of firearms, and fireworks in parks.

- Domesticated animal restrictions:

*“...Such animals must be continually kept on a leash. Such Animals shall not enter or be watered at any fountain, pond, lake or stream, except as locations specifically designated by the city for that purpose. Service animals shall be exempt.”*

In response to a question from Council Member LeMone, Director Giles explained that the restrictions on flotation devices in Manila pond were set upon the City by the State Division of Wildlife, Fish and Game, due to type of fish that live in the pond.

- Inflatable Attractions:

*“Inflatable Attractions, Mechanical Rides, Water Slides; It shall be unlawful for any person to set up a private attraction, including, but not limited to: inflatable bounce houses, water slides, mechanical bulls, and carnival type rides in any city park except as permitted by the city parks and recreation director for specific city events”.*

- Tents:

*“If tents are to be used for an event they are required to be anchored. It is recommended they be anchored by water, cement or sand barrels. If the city determines that staking has resulted in damage to the grounds, the renter will be required to pay the actual cost of repairs”.*

Director Giles explained that tents must be anchored down for safety reasons and noted that if they are set up downtown and it is windy, the wind could blow them away and potentially hurt someone. Stakes are no longer allowed because they cause damage to irrigation in the ground. Sandbags will need to be used instead. City sponsored events are exempt.

- Off Highway Vehicles:

*“Off Highway Vehicles: it shall be unlawful for any person to operate an off highway vehicle, including any motorized recreation vehicle at a recreation facility, except for governmental, police, fire, emergency, or other authorized vehicles”.*

Last, Director Giles reviewed encroachments. He explained that changes to the ordinance will allow the City to annually inspect the City’s open spaces. In the future, he sees the City possibly getting additional foothill properties. As a result, they need to keep encroachments off of City properties. There was further review of other changes made throughout the ordinance.

**ACTION:** Council Member LeMone moved to adopt an Ordinance (2016-14) amending Title 7 Chapter 2 “Parks and Public Properties” of the Pleasant Grove City Municipal Code by changing the title to “Parks, Trails and Recreational Facilities”; adding a “Definitions” section; adding regulations regarding smoking to conform with State and County regulations; regulating various activities in Parks/Trails and Recreation Activities; providing for enforcement for said regulations; making other technical changes; adding additional language regarding law enforcement officers being able to discharge their weapons in the course of their duties; and providing for an effective date. Council Member Andersen seconded the motion. A voice vote was taken with Council Members LeMone, Andersen, Walker, Stanley and Jensen voting “Aye”. The motion passed unanimously.

*Note: There was a break from 8:59 p.m. to 9:13 p.m.*

**E) TO CONSIDER FOR ADOPTION A RESOLUTION (2016-05) AUTHORIZING THE MAYOR TO SIGN A COOPERATIVE AGREEMENT FOR NON-DISTRICT USE OF LANDS AND INTEREST IN LANDS ON THE SALT LAKE AQUEDUCT CORRIDOR WITH METROPOLITAN WATER DISTRICT OF SALT LAKE AND SANDY FOR THE MULTI-USE TRAIL; AND PROVIDING FOR AN EFFECTIVE DATE. Presenter: Attorney Petersen.**

Director Giles explained that the above item was approved by the Council earlier in the year. It then went to the Metropolitan Water District of Salt Lake and Sandy who added two caveats. First, the Public Works Department was required to work with the Board to come up with a plan for safe drinking water flowing from the canyons and connecting to the Provo pipeline. Director Giles reviewed documents showing that this requirement has been met. The second caveat was that the Board wants the City to work with them in getting their blow-offs into the City’s storm drain system. They already have one blow-off at Walker Ridge, and there are three others at Grove Creek Basin, 1800 North, and near Wadley Springs.

Council Member Stanley asked about the volume of discharge that comes out of the blow-offs. Director Beaumont was not sure. From his perspective, the City would be working with the Board to try and accommodate their blow-off needs. Whatever infrastructure improvements are needed are not necessarily costs to the City. Council Member Stanley asked if one of the blow-offs will be near the trails. Director Giles explained that the Grove Creek Trail is south of one of the trailheads in Phase 1. Council Member Stanley asked if there was any way that the volume of

water discharge could cause degradation of the trail system. Director Giles stated that this would not be a problem and noted that Walker Ridge is already piped into the City's storm drain system.

**ACTION:** Council Member LeMone moved adopt a Resolution (2016-05) authorizing the Mayor to sign a Cooperative Agreement for Non-District Use of Lands and Interest in Lands on the Salt Lake Aqueduct Corridor with Metropolitan Water District of Salt Lake and Sandy for the Multi-Use Trail; and providing for an effective date. Council Member Jensen seconded the motion. A voice vote was taken, with Council Members LeMone, Jensen, Stanley, Walker, and Andersen voting "Aye". The motion carried unanimously.

**F) TO CONSIDER FOR ADOPTION A RESOLUTION (2016-022) AUTHORIZING THE MAYOR TO EXECUTE AN ADDENDUM TO THE PROFESSIONAL SERVICE AGREEMENT WITH THINK ARCHITECTURE FOR PROGRAMMING AND PRELIMINARY DESIGN ON THE PROPOSED PUBLIC SAFETY FACILITIES; AND PROVIDING FOR AN EFFECTIVE DATE.**  
*Presenter: Administrator Darrington.*

Administrator Darrington explained that two weeks ago Scott Wilkinson from Think Architecture addressed potential next steps for working toward a Public Safety Building in Pleasant Grove. Mr. Wilkinson recommended that the City go through a programming and preliminary design scope, in order to get a price that will be within 10% of the final cost. The City already has a contract with Think Architecture from when they did initial work for the City. The Addendum to the agreement addresses the programming scope, which reviews some of the City's existing square footage.

The programming includes conducting in-depth interviews with Police, Fire and Courts, as well as the submittal of final programming for all of the facilities. The preliminary design scope will include a preliminary site plan for the Fire Station at the Pipe Plant and Police/Courts downtown, as well as a site plan for the Fire Station, Police and Courts downtown in two separate buildings. Once the programming is complete, it will be easier to narrow options. Preliminary design scope will also provide digital modeling/rendering and cost estimates for each site option, as well as reconcile the program and construction. The programming costs are \$4,500 and preliminary design will be \$44,000, for a total of \$49,500. The contract will be funded out of Police and Fire impact fees as part of the Fiscal Year 2017 budget.

**ACTION:** Council Member Stanley moved to adopt a Resolution (2016-022) authorizing the Mayor to execute an addendum to the Professional Service Agreement with Think Architecture for programming and preliminary design on the proposed Public Safety facilities; and providing for an effective date. Council Member Andersen seconded the motion. A voice vote was taken, with Council Members Stanley, Andersen, LeMone, Walker and Jensen voting "Aye". The motion carried unanimously.

There was further discussion about the work that has already been done. Mayor Daniels relayed a request from the Public Safety Building Committee that the City Council have an active role as interviews are taking place. Council Member Andersen stated that she did not want to be involved with programming but would like to attend the Committee meetings. Council Member LeMone



stated that she would also like to attend meetings and rely on the Committee to get the project done. Council Member Stanley commented that they should take a balanced approach in terms of Council involvement. Council Member Jensen remarked that he already attends meetings.

Mayor Daniels provided various project updates. He has had contact with donors and they are interested in the Council's decision this evening, which he believes they will look upon favorably. The donors have also looked at the numbers presented by Think Architecture and they agree that they are in line with what is needed. There were suggestions on how to set goals as a Committee, Council, City, and community regarding the amount that should be bonded for. The donors' objective is when programming and estimates are complete they want to start fundraising efforts. This will ensure that the public only has to come up with the bond amount that is agreed upon. They were concerned about having both quality and programming, as well as being cost conscientious about the overall project. In general, the donors are all currently very supportive. City Recorder, Kathy Kresser, stated that she would circulate the summer Public Safety Building Committee Meeting schedule.

## **11) ITEMS FOR DISCUSSION**

### **A) DISCUSSION ON PETITION FOR ANNEXATION LOT 12 PLAT G WADE SPRINGS SUBDIVISION.**

Community Development Director, Ken Young, presented a petition from Donald Anderson who owns property at 899 East 1190 North to add approximately .19 acres to a lot that he owns. Director Young showed aerial map of the subject property as well as a close-up image showing that the designation in the General Plan is low density residential. He noted that the properties to north and southeast are designated as environmentally sensitive areas. Close-up images of the zoning were presented. In addition to owning what is included in the Wade Springs Subdivision, Mr. Anderson also owns another parcel outside of City boundaries that isn't part of the lot. His request was for the City to allow him to combine both lots. His reasoning was that the property is contiguous to an existing platted lot owned by the same property owner. The best buildable area on the lot is next to the City boundary, which allows for little or no setback. This minor expansion of the boundary would not require additional City services.

Staff was unaware of any significant environmental issues specific to the Anderson property. A new amended subdivision plat will be required for the annexation to occur. Director Young stated that neighboring property owners may have similar desires for annexation. This is the last remaining un-built lot in the subdivision that was approved in 1995. This area is adjacent to other areas within the City boundaries that are designated as environmentally sensitive.

Mr. Anderson reported that he submitted two previous applications and both were denied. The first application was in November 2006. The reason for denial was that the General Plan and Annexation Plan were crafted to preserve sensitive areas along the eastern boundary of the City. Some earth work could solve the slope/setback issues on Mr. Anderson's property. Director Young stated that approving this could potentially open the doors to other such requests. He continued to explain that the next application from Mr. Anderson was submitted in March 2011. The reason for denial indicates that the Annexation Policy Plan and the General Plan need to be

amended first. Additionally, more extensive geotechnical reports were required to determine safety and stability of the slopes on the property. Tonight's discussion was to determine whether the Council wants to further review Mr. Anderson's current petition.

Council Member LeMone asked why the U.S. Forest Service is interested in the property. Director Young explained that they would be an entity the City would notice during the protest period. Council Member LeMone asked why in 2011 a more extensive geotechnical report was needed given that it is a privately owned property. Director Young explained they have to consider what impact the annexation will have on future applications. He suggested it might be better to conduct a study on the entire east bench area and determine what areas would have slope stability or soil issues rather than looking only at Mr. Anderson's property. Council Member LeMone asked what the applicant is planning to do with the excess property. Director Young stated that the application specifies that the annexation would have little to no impact and it simply makes sense to combine both properties into one lot.

Attorney Petersen pointed out that the area in question has not been designated as environmentally sensitive because it is not within City boundaries. Therefore, if the City decides to approve the annexation, the City will need to determine whether the subject property is also environmentally sensitive, which will entail a completely different development process. A geotechnical report will be required if it is determined that the property in question is environmentally sensitive. It was noted that Mr. Anderson would have to pay for the geotechnical report.

Dan VanWorkman stated that he was representing Mr. Anderson, and was available to answer questions.

Council Member Stanley asked what the annexation costs will be to the City. Director Young explained that staff would have to re-do the maps and update the Annexation Policy Plan. Both would require noticing and a public hearing, which could be done simultaneously. In response to a question from Council Member Jensen, Director Young stated that this would affect other homeowners in their possible desire to annex.

Mr. VanWorkman stated that the landowner, the only place they could conduct a study was on Mr. Anderson's property. If the City wants a broader study, they would have to pay for it. Attorney Petersen noted that some of the surrounding areas that were determined to be environmentally sensitive came as a result of a study that was done many years ago that talked about the Manning Canyon shell and that it was very difficult without further study and individual properties to actually tell where it is at until you are starting to build.

Council Members Andersen and Stanley indicated that they were comfortable moving forward with the annexation. Council Member Walker was not in favor of reviewing the petition any further, he has read the report and you will find that the ground is still moving in that area. Council Member LeMone asked if anything had changed since the last application. Council Member Walker replied that it could have gotten worse. Council Member Jensen noted that the study will tell us that. Attorney Petersen stated that the geotechnical study would not take place until after the annexation because that is not part of the annexation process. Mr. VanWorkman commented that they would be willing to do whatever the Council requires for their property. The majority

Council opinion was to move forward with the annexation. They also suggested that Mr. VanWorkman have a new geotechnical study done and submit it to staff.

## **B) DISCUSSION AND POSSIBLE DIRECTION ON THE 4000 NORTH SEWER.**

Administrator Darrington reviewed the process taken place on the above item. It was determined that the City would pay 83% and residents would pay 17% of the sewer line, which would be broken down into payments over 20 years. Some lots along 4000 North are not currently developed. Any of those lots would need to pay the full cost of the capital part, as the City would not participate in those costs. The Council directed staff to meet with individual property owners to get a feel of where they are on the matter. A meeting was held where four to five residents attended. Administrator Darrington had also personally met with others at their homes or in his office to explain process. Furthermore, he sent out a one question survey pertaining to the various payment options.

Staff counted 14 total connections, which included new development. Of those connections, 10 were existing residences, whereas four were considered new development. Out of the 10, seven residents confirmed that they were willing to pay for the sewer main line over a 20-year period. One resident stated that they would pay for their portion up front. One resident did not want to participate and one other resident Administrator Darrington had not been able to speak with despite multiple attempts. Council Member Andersen asked for the reason for the one opposing view. Administrator Darrington stated that the resident did not give a reason. Of the four new developments, all of the residents confirmed that they will pay the full cost of their portion of the main line when they develop the lot. They all want to wait because if they sell the lot they want to roll that cost into the sale of the lot.

When meeting with residents, there were discussions about laterals. The discussion with the Council was that they would not participate in the cost. The City agreed that the laterals will be funded 100% by the homeowners and the homeowners understand this. Several residents asked if financing would be available. The Council has in the past advised against it. Several residents indicated that if they cannot get help with the financing of the laterals, it will cause them financial problems in trying to connect.

Administrator Darrington sought guidance from the Council on how to approach the issue. The following three options were outlined:

1. The City could finance the laterals for residents and require them to hook on right away.
2. The City could allow residents to hook on at their convenience as long as they are making their capital cost payments.
3. The City could refuse to finance the laterals, and still require residents to hook on right away.

Administrator Darrington advised against Option 3. He stated that if the City is going to proceed, staff needs to set up individual agreements with each of the property owners. The agreement was that if the City plans to finance the residents over a 20-year period, the residents will lien their homes. In the event the situation unravels, the City would have some collateral. Administrator Darrington asked for Council direction on how to approach the resident who has indicated that they do not wish to participate.

The Council unanimously agreed that Option 2 was the best way to address the laterals. Staff indicated that they would draft an agreement for the residents to sign and proceed accordingly. Administrator Darrington noted that the Council approved engineering. He suggested having another funding discussion on June 21<sup>st</sup> when the Fiscal Year 2017 budget is approved. This is also when staff is likely to have the signed agreements back. In response to a question from Mayor Daniels, it was reported that the total cost of the project will be \$362,000, which includes engineering expenses. An interest rate of 3% will also be applied.

Mayor Daniels commented that it is awkward to invest \$362,000 and then wait to get paid. Council Member Andersen pointed out that the City already has a commitment from eight people to connect to the line. Attorney Petersen stated that if the City lets residents hook on at their convenience, the City will not be out anything because they are getting paid back their capital investment. This is similar to anyone who purchases a vacant lot. The cost of putting in a sewer line in the street in front of a lot is included in the price of lot; once a lot is developed, an additional amount is paid to connect to the line. Attorney Petersen stated that it is more of a political question for elected officials. In terms of finances, it is no different than a developer paying for infrastructure and waiting to get paid when development actually occurs.

## **12) DISCUSSION ON THE JUNE 7, 2016 CITY COUNCIL MEETING AGENDA**

Staff and the elected officials reviewed the agenda for the June 7 meeting, which will be a public hearing on the tentative budget for Fiscal Year 2017. There was brief discussion on whether to hold the meeting at the Old Recreation Center as well as live stream the meeting. Administrator Darrington explained that he will publish instructions on the City's website with regard to ways to submit questions electronically.

Council Member Stanley expressed concern regarding the Road Fee. He explained that it is a question of whether it is a fee and not a tax. It appeared that there was a sense that the Pleasant Grove governing body and staff are following in Provo's footsteps and he did not think that was the case. His opinion was that they should have a conversation with non-profits prior to passing the fee, which is what Provo City did. Provo make special arrangements with the LDS Church and Intermountain Healthcare. If this is deemed by the Courts to be a tax they cannot make a charge to require non-profits also pay the fee. If they follow in Provo's footsteps, they will be exposing themselves. He was encouraged to see citizens reach out to other Council Members.

Attorney Petersen explained that the ordinance has not been drafted so a final decision has not been made. Pleasant Grove is a different situation than Provo in terms of non-profits, in that they do not have a college or large regional medical center. In talking with Finance Director, Denise

Roy, staff considered trying estimate how much would be lost from exempting all non-profits. Staff can also reach out to Provo City Officials for more direction on the matter.

Council Member Andersen asked what the difference was between a fee and a tax. Attorney Petersen explained that a tax follows a different process. In order to implement a tax, the City would have to hold a truth and taxation public hearing. However, the only taxing option would be to increase the City property tax since cities don't have authority to impose other taxes like sales tax without specific authority from the State or County.

Administrator Darrington explained that the road fee would not be a tax but rather a fee that is added to the utility bill. There is not a process set up for a road tax. This leaves it as somewhat of a gray area because the constitutionality of the matter has not been challenged. At this point, Provo has not been challenged on the implementation of their road fee. Attorney Petersen explained that the theory behind the road fee is that it is a user fee similar to the storm drain, and it will be based on the intensity of use of the system, rather than just a flat imposition to everybody. The Council reviewed studies and made recommendations on what they felt comfortable with in terms of a goal for revenue growth. She noted that Vineyard exempted non-profits and that David Church drafted their ordinance for them.

The following week the Council would also be reviewing the Hammons contract, as well as holding a public hearing for the RDA budget.

### **13) NEIGHBORHOOD AND STAFF BUSINESS**

Director Young stated that he had successful visits at that National Main Street Conference. He received helpful information that can be used by the Downtown Advisory Board. Assistant to the City Administrator, David Larson, announced that this Thursday will be the monthly Chamber luncheon, with Steve Allred as the guest speaker.

Director Beaumont reported that they are finishing up the Center Street project and would have a final walk through the following day. The ramps at the railroad tracks are gone now. The Locust Avenue Preconstruction Meeting took place the previous Thursday. They are anxious to move forward on the intersection of 300 South and Locust Avenue. Staff had been very clear about construction crews cleaning up the streets prior to Strawberry Days. Director Beaumont briefly reviewed the work that will be done on Pleasant Grove Boulevard by Geneva Rock regarding pothole repair. He reported that 220 South will also be redone the week before Strawberry Days. The Void was postponed until the 21<sup>st</sup> due to certain property issues.

Fire Chief, Dave Thomas, reported that the Fire Department had a great training day on Thursday, and noted that Council Member Jensen was in attendance.

### **14) MAYOR AND COUNCIL BUSINESS**

Council Member Andersen remarked that the Memorial Day ceremony was fantastic. Council Member LeMone asked if the Strawberry Days cleanup could be scheduled for next Monday.

Mayor Daniels answered in the affirmative. Administrator Darrington noted that he will be scheduling an economic development field trip in the near future.

**15) SIGNING OF PLATS**

There were no plats signed.

**16) REVIEW CALENDAR**

Strawberry Days will be June 12 through 18. Fathers' Day is June 19, and the Primary Election will be on June 28. Administrator Darrington noted that they will be moving the City Council meeting originally scheduled for the 28<sup>th</sup> to the 29<sup>th</sup>, which will be a joint meeting with the Planning Commission.

**17) ADJOURN AND CONVENE AS THE PLEASANT GROVE CITY REDEVELOPMENT AGENCY \*Moved to June 7, 2016.**

**18) ADJOURN AS THE PLEASANT GROVE CITY REDEVELOPMENT AGENCY AND RECONVENE AS THE PLEASANT GROVE CITY COUNCIL \*Moved to June 7, 2016.**

**19) EXECUTIVE SESSION TO DISCUSS THE SALE OF REAL PROPERTY (UCA 52-4-205 (e))**

Mayor Daniels called for a motion to go into a closed meeting to discuss the sale of real property.

**ACTION:** AT 10:35 p.m. Council Member Stanley moved to go into a Closed Meeting discuss the sale of real property (UCA 52-4-205 (e)). Council Member Andersen seconded the motion. The motion passed with the unanimous consent of the Council.

PRESENT:

Mayor: Michael W. Daniels

Council Members: Dianna Andersen  
Eric Jensen  
Cyd LeMone  
Ben Stanley  
Lynn Walker

Staff Present: Scott Darrington, City Administrator  
Tina Petersen, City Attorney  
Kathy Kresser, City Recorder

**ACTION:** At 10:46 p.m. Council Member Walker moved to adjourn the Closed Meeting and reconvene in the Regular Meeting. Council Member Jensen seconded the motion. The motion passed with the unanimous consent of the Council.

Mayor Daniels directed staff to proceed forward on the real estate discussion. He then called for a motion to adjourn.

**20)     ADJOURN**

**ACTION:** At 10:47 p.m. Council Member Jensen moved to adjourn. Council Member Stanley seconded the motion. The motion passed with the unanimous consent of the Council.

The City Council Regular Meeting adjourned at 10:47 p.m.

Minutes of the May 31, 2016 City Council Meeting were approved by the City Council on June 21, 2016.

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Kathy T. Kresser, City Recorder, MMC

*(Exhibits are in the City Council Minutes binders in the Recorder's office.)*